



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

October 11, 2022

2210-VS-30

Exhibit 4

Petition Number: 2210-VS-30

Subject Site Address: 15100 block of Little Eagle Creek Ave. near the intersection of Country Place Dr. and Little Eagle Creek Ave. ("the Property")

Petitioner: Earl & Tara Seals by Church Church Hittle & Antrim ("the Petitioner")

Request: The Petitioner requests a Variance of Development Standard to encroach sixty (60) feet into the eighty (80) foot front yard setback for the construction of a single-family home on 3.58 acres +/- in the AG-SF1 zoning district. ([Chapter 4.2\(E\)\(1\)\(b\)](#)).

Current Zoning: AG-SF1

Current Land Use: Vacant / Undeveloped

Approximate Acreage: 3.58 acres +/-

Exhibits:

1. Application
2. Project Narrative
3. Location Map
4. Staff Report
5. Site Plan

Staff Reviewer: Weston Rogers, Associate Planner

OVERVIEW

Location: The subject property is 3.58 acres +/- in size (the "Property") and is located within the 15100 block of Little Eagle Creek Ave. near the intersection of Country Place Dr. and Little Eagle Creek Ave. (see **Exhibit 3**).

Requested Variances: The petitioner is requesting a Variance of Development Standard encroach sixty (60) feet into the eighty (80) foot front yard setback for the construction of a single-family home as further described herein.

SUMMARY OF VARIANCE

The Property is currently subject to the AG-SF1 Zoning District standards. This Zoning District sets forth a Minimum Front Yard Setback line of eighty (80) feet along collector roadways as identified in the Thoroughfare Plan. The Petitioner is requesting this variance to encroach sixty (60) feet into the eighty (80) foot Minimum Front Yard Setback to accommodate a proposed single-family home, as illustrated on the Site Plan (see **Exhibit 5**).



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

October 11, 2022

2210-VS-30

Exhibit 4

The Westfield Public Works Department has reviewed the Petitioner's plans and has noted the proposed placement of the single-family home is acceptable.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Development Standard. This petition is scheduled to receive its public hearing at the October 11, 2022 Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

Conditions: The UDO¹ and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO² requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

Variances of Development Standard: The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Indiana Code § 36-7-4-918.5 only upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.

¹ Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

² Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

October 11, 2022

2210-VS-30

Exhibit 4

DEPARTMENT COMMENTS:

Recommended Findings for Approval: If the Board is inclined to approve the Variance of Development Standards (2210-VS-30):

- 1) *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the use and proposed improvements will otherwise comply with the applicable standards of the AG-SF1 Zoning District.

- 2) *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on adjacent surrounding properties because the proposed use is permitted on the Property. In addition, the proposed residential use is contextually similar to adjacent land uses.

- 3) *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:*

Finding: Strict adherence to the zoning ordinance would result in the inability to improve the property as intended without the removal of mature hardwood canopy trees while also complying with the Little Eagle Creek flood way development restrictions.

Recommended Conditions:

- That the Property shall be developed in substantial compliance with the Site Plan shown as **Exhibit 5**.
- That the Petitioner shall record an acknowledgement of this approval with the County Recorder's Office and return a copy of the recorded instrument to the Economic and Community Development Department.

Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.